

Exhibit D

John R. Miklos, M.D.

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IN THE DISTRICT COURT 103RD JUDICIAL DISTRICT
CAMERON COUNTY, TEXAS

SANDRA GARCIA,)
)
 Plaintiff,) Cause No.
)
 vs.) 2013-DCL-3511-D
)
 RODOLFO J. WALSS, M.D.,)
 RODOLFO J. WALSS, M.D., P.A.,)
 JOHNSON & JOHNSON, INC. and)
 ETHICON, INC.,)
)
 Defendants.)
 _____)

- - -

Deposition of JOHN R. MIKLOS, M.D.,
taken on behalf of the Defendants, pursuant
to Notice and agreement of counsel, before
Judith L. Leitz Moran, Certified Court Reporter,
at Butler Snow LLP, 1170 Peachtree Street,
Suite 1900, Atlanta, Georgia, on the 6th day
of February 2015, commencing at the hour
of 9:15 a.m.

- - -

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1 probably -- you're correct, have not.

2 **Q** All right. So that would be a true
3 statement as of --

4 **A** That would be a true statement.

5 **Q** -- 2011?

6 **A** Yes.

7 **Q** All right.

8 **A** Okay, I think the rest I agree with.

9 **Q** All right. What do you -- and, again, as
10 of 2011, what percentages would you have put in
11 Bullet Point 3 as opposed to what is there?

12 It states, have been reported to be
13 successful in approximately -- oh, excuse me --
14 Mesh sling surgeries for SUI have been reported to
15 be successful in approximately 70 to 80 percent of
16 the women at one year, based on women's reports and
17 physical exams.

18 You said you disagreed with the
19 percentage?

20 **A** Yes.

21 **Q** And what percentage do you think was
22 accurate in 2011?

23 MR. LUNDQUIST: Object to form.

24 **A** At one-year follow-up, I believe 90
25 percent is the correct answer --

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1 BY MS. SMITH:

2 Q Okay.

3 A -- in skilled surgeon's hands.

4 Q Okay. All right. And then in the last
5 paragraph, just to make sure I understand, you
6 agree with everything in it except two things.

7 One is, you do not believe vaginal
8 scarring has ever been reported or is a
9 complication that can occur following a non-mesh
10 surgical repair for SUI; is that true?

11 A It is true if we're talking about the
12 other Gold Standard being a Burch procedure. I
13 don't know what other surgical procedures they're
14 talking about. There's over 300 operations for
15 stress incontinence.

16 Q Okay. Can vaginal scarring be a
17 complication following a non-mesh surgical repair
18 for SUI?

19 A I don't know how, no.

20 Q And you're not limiting it only to
21 Burch --

22 A Well, I don't --

23 Q -- is that correct?

24 A -- I don't know all the other surgical
25 procedures that are out there. And if they're

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1 **Q** You're also not an expert on law, are
2 you?

3 **A** No, I don't know more than the average
4 person.

5 **Q** All right. You recognize there are
6 individuals with expertise based on their training
7 and experience in biomaterials, correct?

8 **A** Repeat the question.

9 **Q** You do recognize there are individuals
10 who have more expertise than you on biomaterials
11 based on their education and experience?

12 **A** Yes, but not in the application -- there
13 are people -- but I believe I have great expertise
14 in the application of the biomaterial to the human
15 body, specifically in women and pelvic floor
16 dysfunction.

17 Just because you're an engineer and you
18 understand biomaterials, it doesn't mean that you
19 understand the application to the human body.

20 MR. LUNDQUIST: Move to strike after the
21 word "yes."

22 BY MS. SMITH:

23 **Q** Do you have any training in biomaterial
24 medical device design?

25 **A** Have I been trained, no.

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1 **Q** Or in medical device development?

2 **A** No training, no.

3 **Q** Have you been involved in any bench
4 research on polypropylene mesh?

5 **A** No.

6 **Q** Do you have any training or education in
7 polymer chemistry?

8 **A** No.

9 **Q** Is misbranding a safety risk for medical
10 devices?

11 **A** Repeat the question.

12 **Q** Is misbranding a safety risk for medical
13 devices?

14 MR. LUNDQUIST: Object to form.

15 **A** Please define "misbranding."

16 BY MS. SMITH:

17 **Q** If you don't have a -- do you have a
18 definition for it?

19 **A** No. I'm hoping you have a working
20 definition because you asked the question.

21 **Q** The way this works is I ask questions.
22 If I ask a question and you don't understand what
23 the word means, you just say you don't know because
24 you don't understand that word. I can't -- I'm not
25 -- I can't answer your questions.

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1 C E R T I F I C A T E

2 STATE OF GEORGIA:

3 COUNTY OF FULTON:

4

5 I hereby certify that the
6 foregoing transcript was taken down, as
7 stated in the caption, and the questions
8 and answers thereto were reduced to
9 typewriting under my direction; that the
10 foregoing Pages 1 through 345 represent a
11 true and correct transcript of the
12 evidence given upon said hearing, and I
13 further certify that I am not of kin or
14 counsel to the parties in the case; am not
15 in the regular employ of counsel for any
16 of said parties; nor am I in anywise
17 interested in the result of said case.
18 The witness did reserve the right
19 to read and sign the transcript.

20 This, the 12th day of February 2015.

21

22

23

24

25 _____
Judith L. Leitz Moran, CCR-B-2312